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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 John Doe,

10 Plaintiff,

11 v.

12 Paul Penzone,

13 Defendant.
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No. CV-23-01938-PHX-SMM

ORDER

15 Before the Court is Plaintiff's Motion for Permission to Proceed Anonymously.
16 (Doc. 3). Plaintiff asks to proceed anonymously and requests the Court to prohibit
17 Defendants from publicly disclosing his identity because he fears that his status as a sex
18 offender who is challenging the constitutionality of sex offender statutes would expose him
19 to threats of violence.

20 Rule 10(a) of the Federal Rules of Civil Procedure requires all parties to be named
21 in the complaint. Only "in an unusual case," where "necessary to protect a person from
22 injury or harassment," are pseudonyms allowed. United States v. Doe, 488 F.3d 1154, 1155
23 n.1 (9th Cir. 2007)) (citation omitted). "[A] party may preserve his or her anonymity in
24 judicial proceedings in special circumstances when the party's need for anonymity
25 outweighs prejudice to the opposing party and the public's interest in knowing the party's
26 identity." Does I thru XXIII v. Advanced Textile Corp., 214 F.3d 1058, 1068 (9th Cir.
27 2000).

28 Other courts, in addressing the interests of the parties and the public in substantially

1 similar circumstances, have found that proceeding anonymously is appropriate at the pre-
 2 discovery phase. See, e.g., Doe v. County of El Dorado, 2013 U.S. Dist. LEXIS 169883,
 3 at *7-14, 2013 WL 6230342, at *3-6 (E.D. Cal. Dec. 2, 2013) (allowing anonymity where
 4 a convicted sex offender challenges a sex-offender ordinance for constitutional violations).
 5 The Court finds the same here.

6 As Plaintiff acknowledges, it may be necessary to disclose Plaintiff's identity as the
 7 case proceeds. The parties can address this issue when it arises. See Advanced Textile, 214
 8 F.3d at 1072 ("At present, however, discovery is stayed Thus, at present defendants
 9 suffer no prejudice by not knowing the names of plaintiffs."); Doe, 2013 U.S. Dist. LEXIS
 10 169883, at *12, 2013 WL 6230342, at *5 ("At this pre-discovery stage, however, the court
 11 need not yet consider the prejudice defendant will suffer during discovery.").

12 **III. Conclusion**

13 Accordingly,

14 **IT IS ORDERED** granting Plaintiffs' Motion to Proceed Under a Pseudonym and
 15 Motion for Protective Order. (Doc. 3). However, Defendant has not had an opportunity to
 16 be heard on this Motion. If Defendant disagrees with the Court's decision, he may file an
 17 opposition within 20 days of the filing date of this Order or within 20 days of service of
 18 the Complaint, whichever is later.

19 **IT IS FURTHER ORDERED** as follows:

- 20 1. Plaintiff is granted leave to proceed in this matter under pseudonym;
- 21 2. If Defendant learns of Plaintiff's identity, Defendant shall not publicly
- 22 disclose the names or personally identifying information of Plaintiff; and
- 23 3. All parties shall submit pleadings, briefing, and evidence using Plaintiff's
- 24 pseudonym instead of his real name and other personally identifying
- 25 information.

26 Dated this 4th day of October, 2023.

27 
 28 Honorable Stephen M. McNamee
 Senior United States District Judge